

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BERNARD S. LEVI,

Plaintiff

v.

DIRECTOR HARLEY LAPPIN, *et al.*,

Defendants

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CIVIL NO. 1:CV-07-1839

(Judge Rambo)

(Magistrate Judge Blewitt)

MEMORANDUM AND ORDER

Before the court is a motion to oppose the magistrate judge's order of June 25, 2009, that dismissed Plaintiff's requests for a preliminary injunction and for a temporary restraining order, which this court will deem to be an appeal from the June 25, 2009 order of the magistrate judge. The magistrate judge dismissed the motions on the basis that Plaintiff failed to file a supporting brief as required by Middle District Local Rule 7.5. In his appeal, Plaintiff states that he was in transit during the period of time he had to file his brief and could not prepare same.

In Defendants' opposition to Plaintiff's objections, they note that Plaintiff had time to communicate with the court by filing a notice of change of address (doc. 123) and did not request an extension of time from the court.

Substantively, the denial of the motions for temporary restraining order and preliminary injunction are correct. The essence of the request is directed to the actions of the personnel at FCI Fairton, related to his transfer from Fairton to USP Beaumont, Texas. This has nothing to do with the complaint before the court. Therefore, the court does not have personal and subject matter jurisdiction to entertain the motions.

IT IS THEREFORE ORDERED THAT the magistrate judge's order of June 25, 2009 is **AFFIRMED**.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: August 17, 2009.